



05-23-01 05-30-01. 0500 #2

## TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT

In re application of:	MICHAEL NEAL, KRISHNA VENKATRAMAN, SUZANNE VALENTINE, PHIL DELURGIO, HUA LEE
Serial No.:	09849168
Filed:	5/4/01
Atty Docket:	DT:0101
Title:	APPARATUS FOR MERCHANDISE PRICE OPTIMIZATION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Attached hereto is Form PTO-1449A/PTO listing documents believed relevant to the subject application. It is respectfully requested that the Examiner review the information disclosed herein in detail, independently evaluate each item carefully in the consideration of the pending claims and return an initialed copy of each form to the undersigned.

This disclosure statement should not be construed as a representation that a search has been made, that no other material information as defined in 37 C.F.R. § 1.56(a) exists, or as an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b) or is available as a reference under 35 U.S.C. § 102 *et seq.* Applicant reserves the right to swear behind or otherwise disprove the alleged "prior" nature of any art cited should the facts support and the situation warrant such an action.

It is believed that this disclosure complies with the requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98, and the Manual of Patent Examining Procedures § 609. If for some reason the examiner considers otherwise, it is respectfully requested that the undersigned be called so that any deficiencies can be remedied.

A copy of each document is enclosed. Some of the documents may have markings thereon. No significance is intended to be attached to the markings.

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Respectfully submitted,

  
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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

**Complete if Known**

Application Number	09849168
Filing Date	5/4/01
First Named Inventor	MICHAEL NEAL
Group Art Unit	
Examiner Name	
Attorney Docket Number	DT:0101

Sheet	1	of	2
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## U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup>			
	AA	5,063,506		BROCKWELL ET AL.	11-05-1991	ABSTRACT
	AB	5,117,354		LONG ET AL.	05-26-1992	ABSTRACT
	AC	5,249,120		FOLEY	09-28-1993	ABSTRACT
	AD	5,377,095		MAEDA ET AL.	12-27-1994	C1L39-C2L2
	AE	5,712,985		LEE ET AL.	01-27-1998	ABSTRACT
	AF	5,822,736		HARTMAN ET AL.	10-13-1998	ABSTRACT
	AG	5,873,069		REUHL ET AL.	02-16-1999	C3L58-C4L48
	AH	5,878,400		CARTER, III	03-02-1999	C3L21-C4L11
	AI	5,918,209		CAMPBELL ET AL.	06-29-1999	ABSTRACT
	AJ	5,987,425		HARTMAN ET AL.	11-16-1999	ABSTRACT, FIG. 5
	AK	6,009,407		GARG	12-28-1999	ABSTRACT
	AL	6,029,139		CUNNINGHAM ET AL	02-22-2000	ABSTRACT
	AM	6,032,123		JAMESON	02-29-2000	ABSTRACT
	AN	6,032,125		ANDO	02-29-2000	ABSTRACT, FIG. 3
	AO	6,078,893		OUIMET ET AL	06-20-2000	C4L40-C5L33
	AP	6,094,641		OUIMET ET AL.	06-25-2000	C4L25-C6L26
	AQ	6,125,355		BEKAERT ET AL.	09-26-2000	ABSTRACT

## FOREIGN PATENT DOCUMENTS

[illegible]

**Examiner  
Signature**

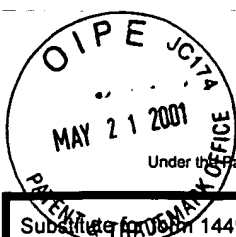
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<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST .3).

\*For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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				Application Number	09849168
				Filing Date	5/4/01
				First Named Inventor	MICHAEL NEAL
				Group Art Unit	
				Examiner Name	
Sheet	2	of	2	Attorney Docket Number	DT:0101

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	BA	ROSSI, DELURGIO, & KANTOR; "MAKING SENSE OF SCANNER DATA;" <i>HARVARD BUSINESS REVIEW</i> , REPRINT F00205	
	BB	BUCKLIN & GUPTA, "BRAND CHOICE, PURCHASE INCIDENCE, AND SEGMENTATION: AN INTEGRATED MODELING APPROACH," <i>JOURNAL OF MARKETING RESEARCH</i> , MAY 1992, PP. 201-215, VOL. XXIX	
	BC	SMITH, MATHUR, & KOHN; "BAYESIAN SEMIPARAMETRIC REGRESSION: AN EXPOSITION AND APPLICATION TO PRINT ADVERTISING;" JANUARY 3, 1997; AUSTRALIAN GRADUATE SCHOOL OF MANAGEMENT, UNIVERSITY OF NEW SOUTH WALES, SYDNET 2052, AUSTRALIA	
	BD	BLATTBERG AND DEIGHTON, "MANAGE MARKETING BY THE CUSTOMER EQUITY;" <i>HARVARD BUSINESS REVIEW</i> , JULY-AUGUST 1996, PP. 136-144	
	BE	CHRISTEN, GUPTA, PORTER, STAELIN, & WITTINK; "USING MARKET-LEVEL DATA TO UNDERSTAND THE EFFECTIVENESS OF PROMOTIONAL ACTIVITIES;" DECEMBER 22, 1995	
	BF	LINK, "ARE AGGREGATE SCANNER DATA MODELS BIASED?," <i>JOURNAL OF ADVERTISING RESEARCH</i> , SEPTEMBER/OCTOBER 1995, PP. RC8-RC12, ARF	
	BG	RUSSELL & KAMAKURA, "UNDERSTANDING BRAND COMPETITION USING MICRO AND MACRO SCANNER DATA," <i>JOURNAL OF MARKETING RESEARCH</i> , VOL. XXXI (MAY 1994), PP. 289-303	
	BH	JONES, "THE DOUBLE JEOPARDY OF SALES PROMOTIONS," <i>HARVARD BUSINESS REVIEW</i> , SEPTEMBER-OCTOBER 1999, PP. 145-152	
	BI	BUZZELL, QUELCH, & SALMON; "THE COSTLY BARGAIN OF TRADE PROMOTION;" <i>HARVARD BUSINESS REVIEW</i> , REPRINT 90201, MARCH-APRIL 1990, PP. 1-9	
	BJ	CURRY, DIVAKAR, MATHUR, & WHITEMAN; "BVAR AS A CATEGORY MANAGEMENT TOOL: AN ILLUSTRATION AND COMPARISON WITH ALTERNATIVE TECHNIQUES;" <i>JOURNAL OF FORECASTING</i> , VOL. 14, ISS NO. 3 (1995), PP. 181-199	
	BK	GURAL, "PRICE OPTIMIZATION SYSTEM," LETTER TO KANG LIM, ESQ., DTD 2/9/01, PATENTEC, REFERENCE NUMBER 7220	

Examiner Signature		Date Considered	
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